

*E-filed on 11/16/06*

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

BANSHI D. MALVIYA,  
Plaintiff,

v.

CITY OF SAN JOSE, SAN JOSE POLICE  
DEPARTMENT, SAN JOSE POLICE CHIEF,  
MR. ROBERT DAVIES, RON GONZALES,  
MAYOR OF THE CITY OF SAN JOSE,  
POLICE OFFICER JOHN WEST, and SAN  
JOSE CITY MANAGER,

Defendants.


Case No.: C-05-05427 RMW

**ORDER OF DISMISSAL**

This matter came on regularly for a Case Management Conference on October 6, 2006. Plaintiff did not appear and has not filed an amended complaint in accordance with the deadline for an amended complaint set forth in the court's order of dismissal with leave to amend dated August 31, 2006. Therefore,

IT IS HEREBY ORDERED that plaintiff's complaint is dismissed with prejudice and judgment is to be entered in favor of defendants and against plaintiff.

DATED: 11/16/06

  
RONALD M. WHYTE  
United States District Judge

1 **A copy of this order was provided to:**

2 **Counsel for Plaintiff:**

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6 408-946-6377  
7 PRO SE

8 **Counsel for Defendants:**

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17 Counsel are responsible for distributing copies of this order to co-counsel, as necessary.

18 **Dated:** 11/16/06

JG  
**Chambers of Judge Whyte**